

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:99CR3017
)	
v.)	
)	
LANCE PEGUES,)	MEMORANDUM AND ORDER ON
)	MOTION FOR REDUCTION OF
Defendant.)	SENTENCE
_____)	

I have before me a letter dated 4/26/06, which I received on April 28. It requests that I grant Mr. Pegues a “downward departure . . . Do (sic) to the fact that I made a statement that helped Assistant U.S. Attorney Sara E. Fullerton with the conviction of Theopolis Harvey.”

Taken as a motion for reduction of sentence, I must deny it. Rule 35 of the Federal Rules of Criminal Procedure makes an allowance for “Reducing a Sentence for Substantial Assistance.” The first requirement, however, is that it must be done upon the government’s motion. There has been no motion by the government to reduce the sentence for substantial assistance.

IT IS ORDERED that:

1. the letter from Lance Pegues to me dated 4/26/06 shall be filed as a motion for reduction of sentence; and

2. such motion is denied without prejudice.

Dated May 1, 2006.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge